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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/524,110

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Harlan A Hurwitz

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EXAMINER

CHAMPAGNE, LUNA

ART UNIT

PAPER NUMBER

3627

MAIL DATE

DELIVERY MODE

12/28/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/524,110

Applicant(s)

HURWITZ ET AL.

Examiner

LUNA CHAMPAGNE

Art Unit

3627

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 12-19 and 21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12-19 and 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB-06)
Paper No(s)/Mail Date 9/30/09
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This action is in response to communication received on 9/30/2009. Claims 1-10, 12-19, 21 are submitted for examination. Claims 20, 22-160 are cancelled.

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 9/30/09 has been considered by the examiner.

Claim Rejections - 35 USC § 101

2. The claim rejection under 35 U.S.C. 101 is withdrawn.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-10, 12-19, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nichtberger et al. (Re. 34,915), in view of Lee et al. (6,83,428 B2).

Re claims 1, 14, 21, Nichtberger et al. disclose a method of electronically managing payment media in a retail store, the method comprising: automatically determining with a controller, a proposed payment media management solution in response to a payment media processing request; and providing the proposed payment

media management solution, in response to the request, wherein the proposed payment media management solution includes one or more of at least a start fund solution, a payment media change dispensing solution, a payment media advance solution, a bank deposit solution, a coupon redemption solution and a payment media acceptance operation solution, wherein a retail store includes one or more of at least a single store, multiple stores, one or more third party concession stands located within a single store and two or more stores located within a mall, and (*see e.g. col. 17, lines 54-67; col. 29, lines 26-30*).

Nichtberger et al. do not explicitly disclose wherein at least two different types of the proposed payment media management solutions are simultaneously provided for a plurality of operators in a retail store.

However, Lee et al. disclose wherein at least two different types of the proposed payment media management solutions are simultaneously provided for a plurality of operators in a retail store (*see e.g. col. 8, lines 36-49 where a payment media acceptance operation solution, and a change dispensing solution are disclosed*).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify Nichtberger et al., and include the step wherein at least two different types of the proposed payment media management solutions are simultaneously provided for a plurality of operators in a retail store, as taught by Lee et al., in order to provide multiple services and options of payment to the customer which also increases customer satisfaction and store sales.

5. Re claim 2, Nichtberger et al. disclose a method, wherein the request is provided by an operator in a retail store (*see e.g. col. 28, lines 39-44*).

6. Re claims 3, 4, 17, Nichtberger et al. disclose a method wherein the request is automatically provided by a controller in response to instructions stored on a machine-readable storage medium (*see e.g. col. 29, lines 47-50; col. 28, lines 1-3*); a method wherein the step of automatically determining the proposed payment media management solution is performed based on one or more of at least a group of rules stored in a lookup table, instructions provided for a retail store, instructions provided by an entity other than a retail store, and instructions based on real time or substantially real time analysis of payment media activity information that is electronically obtained in a retail store during a predetermined period of time (*see e.g. col. 29, lines 47-50*).

7. Re claims 5, 18, Nichtberger et al. disclose a method wherein the group of rules considers one or more of at least one of retailer type, retailer size, retailer location, type of payment media originating device where the proposed payment media management solution is to be provided, the specific payment media originating device for which the proposed payment media management solution distribution is requested, time of day for the proposed payment media management solution distribution, calendar date for the proposed payment media management solution distribution, calendar date of national or local holidays, calendar date of scheduled festivities or organized events, and a retail store scheduled sales event (*see e.g. col. 19, lines 45-47*).

8. Re claims 6, 19, Nichtberger et al. disclose payment media activity information including an electronic point of sale (EPOS) data (*electronic cash register see e.g. col. 3, lines 34-37 – electronically collected data – see e.g. col. 18, lines 31-32*), payment media information from an automatic teller machine located in a retail store (*see e.g. col. 3, lines 34-37 – automated checkout system*), a value of payment media in a retail store (*coupon discount value see e.g. col. 22, line 67*).

Although Nichtberger et al. do not explicitly disclose the payment media refund amount information, frequency and size of payment media refunds processed within a predetermined period of time, payment media information from a third party payment media redemption machine located in a retail store, a denomination of payment media in a retail store, media type and payment media pickup or delivery information scheduled by a cash-in-transit operator, it is considered a obvious variation of Nichtberger et al. to include this type of information, in order to broaden the system.

9. Re claim 7, Nichtberger et al. disclose a method wherein the instructions provided by the entity other than a retail store are provided to a retail store via a communication network (*see e.g. col. 29, lines 51-55; col. 27, lines 64-65*).

10. Re claim 8, Nichtberger et al. disclose a method wherein the step of determining the proposed payment media management solution requires no additional input other than the payment media processing request (*see e.g. col. 24, lines 39-50*).

11. Re claims 9, 10, Nichtberger et al. disclose a method further comprising: modifying the proposed payment media management solution based on further input; where the further input is from a retail store operator requesting the payment media management solution (*see e.g. col. 22, lines 45-48; Notice that a card has been inserted to start the process. It is understood that either the customer or the retail store operator could insert the card into the unit as described in col. 5, lines 19-27*).

12. Re claims 12, 15, Nichtberger et al. disclose a method wherein one or more proposed payment media management solutions are provided for at least one payment media originating source (*see e.g. col. 5, lines 28-33 coupons are redeemed*).

13. Re claims 13, 16, Nichtberger et al. disclose a method wherein the at least one payment media originating source comprises one or more of at least a retail till, a retailer back office, a coin redemption device and a third party retail concession (*see e.g. col. 17, lines 57-58 – the cash register terminal*).

Response to Arguments

14. Applicant's arguments with respect to claims 1-19 and 21 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **LUNA CHAMPAGNE** whose telephone number is (571)272-7177. The examiner can normally be reached on Monday - Friday 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Florian Zeender can be reached on (571) 272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Luna Champagne/
Examiner, Art Unit 3627

December 15, 2009

/F. Ryan Zeender/
Supervisory Patent Examiner, Art Unit 3627